

Testimony of  
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Subcommittee on Asia and the Pacific

Thank you very much for the opportunity to testify with my colleague from the Bureau of East Asia and Pacific Affairs, James Keith, before these Subcommittees. We have before us a subject of great importance to the Administration and to the people of China. The Internet is one of the great engines of human freedom in the world today, and limits on the spread of information and the use of the Internet to repress legitimate dissent are of great concern to the U.S. Government. Such measures also work against the interests of the Chinese people as they strive to build an “innovation society.” We welcome this occasion to discuss with you our views on the Internet in China and U.S. Government efforts to promote the free flow of information via the Internet. The involvement in this hearing of several of the principal U.S. Internet companies active in China, as well as human rights organizations with an abiding interest in this issue, puts a needed spotlight on a matter of real concern to this Administration, the Congress, and the American people.

In Chairman Hyde’s invitation to appear at this hearing, he referred to regulations issued by the Chinese government in September 2005 that are being used to suppress freedom of the press and free speech. The regulations are very broadly written, criminalizing virtually any unlicensed reporting over the Internet of any situation or event that is unflattering to Chinese society or its leadership - - at least, in the view of the censors. Among the forbidden activities are “harming the honor or interests of the nation,” “spreading rumors, disturbing social order or disrupting social stability” and “inciting illegal assemblies, associations, marches, demonstrations, or gatherings that disturb social order.” Clearly, the regulations provide the legal means to censor a very broad spectrum of legitimate speech, and their scope causes great concern.

The new Chinese regulations run counter to the commitments China itself has made to the world community. I had the honor of serving as Co-Head of the U.S. delegation to both phases of the United Nations’ World Summit on the Information Society in Geneva in 2003 and in Tunis in 2005. Both meetings concluded with final declarations, which the U.S. worked hard to ensure included strong language reaffirming the critical importance of freedom of speech. For example, the Geneva Declaration of Principles states “that everyone has the right to freedom of opinion and expression; that this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” The Tunis Commitment adopted just this past November explicitly reaffirmed the Geneva Declaration and further stated that “freedom of expression and the free flow of information, ideas and knowledge are essential for the Information Society and beneficial to development.” Similarly, the

Tunis Agenda, unanimously adopted at that same UN Summit, reaffirmed “our commitment to the freedom to seek, receive, impart and use information, in particular, for the creation, accumulation and dissemination of knowledge.” China was an active participant in both phases of the WSIS and agreed to all of these WSIS declarations.

In bilateral discussions with Chinese officials, I and many other State Department officials have reminded them of these commitments and expressed U.S. concern over Chinese policies and practices. Senior officials at our Embassy in Beijing regularly do the same, and Mr. Keith will outline these approaches in greater detail. The Administration will continue to remind the Chinese Government of its commitments to giving its citizens access to information, and to make the point that our companies should not be used to persecute political dissenters or to suppress political dissent.

We have also emphasized to the Chinese Government that we do not believe it is in the interests of China for its government to continue to censor the Internet or to establish a climate of fear among Internet users. We continue to urge the Chinese Government to uphold its constitutional guarantee of freedom of expression and to bring its own practices into compliance with international standards. While censorship appears to be incomplete, the vast monitoring effort conducted by Chinese authorities means that users can never be sure whether their legitimate searches for information will be met with intimidation or worse. Such a chilling effect over the world’s most dynamic medium of communication cannot help China in its quest to build an innovative, knowledge-based economy. Hampering dissent and interfering with the free flow of ideas does not break the resolve of political dissidents. Instead, it limits China’s economic potential at a time when – as the PRC claims – it wants to foster indigenous innovation fueled by increased foreign investment.

The Chinese leadership has sought to draw a line between economic reform and political dissent. That line is an illusion. As Secretary Rice said very recently, "It is very hard to tell people to think at work but not at home."

Following the sentencing of Chinese journalist Shi Tao, the State Department -- with much support from our Embassy in Beijing - - immediately initiated an intensified dialogue with American companies doing business in China, including those that are appearing before you today. On Secretary Rice’s instructions, we expressed to them the Department’s concerns about the human rights issues at stake. The message has been unambiguous. With our

common interest in establishing the free flow of information in China by using the Internet and other means, we will continue to consult with industry closely.

The Subcommittees will shortly be hearing directly from several of these companies. We applaud recent statements that they recognize the importance of acting responsibly in this very difficult environment and see the value of cooperating with each other to improve the situation of the Chinese people. We have encouraged such cooperation, and we challenge our companies to leverage their global leadership by developing and implementing a set of meaningful best practices. We want to work with our companies, but the State Department can advocate more effectively for Internet freedoms when U.S. companies conduct themselves in a clear and consistent manner.

Secretary Rice pays close attention to threats to the Internet and its transformational power as a force for freedom. In order to ensure a robust U.S. foreign policy response she established a Global Internet Freedom Task Force (GIFTF) on February 14. The task force will report to the Secretary through Under Secretary for Economic and Agricultural Affairs Josette Shiner and Under Secretary for Democracy and Global Affairs Paula Dobriansky, and will consider foreign policy aspects of Internet freedom, including:

- The use of technology to restrict access to political content and the impact of such censorship efforts on U.S. companies;
- The use of technology to track and repress dissidents; and
- Efforts to modify Internet governance structures in order to restrict the free flow of information.

In addressing challenges to Internet freedom, the task force draws on the Department of State's multidisciplinary expertise in international communications policy, human rights, democratization, business advocacy, corporate social responsibility, and relevant countries and regions. Consistent with existing interagency and advisory institutions and processes, this internal task force will focus the State Department's coordination with the National Security Council, the National Economic Council, other agencies, U.S. Internet companies, non-governmental organizations, academic researchers, and other stakeholders.

We believe that, as President Bush has stated: "Historians will note that in many nations, the advance of markets and free enterprise helped to create a middle class that was confident enough to demand their own rights. They will point to the role of technology in frustrating censorship and central control --

and marvel at the power of instant communications to spread the truth, the news, and courage across borders.”

Mr. Chairman, we do not believe that technology alone will lead to the Chinese government’s allowing its people to enjoy freedom of expression or the political benefits of the free flow of uncensored information. We will continue to make clear that it is not acceptable for the Chinese government to continue to suppress speech on the Internet or to foster a climate of intimidation and persecute dissidents. All the people of China, including the more than 111 million Chinese Internet subscribers, deserve no less.

Thank you again for inviting me here today, and I would be happy to answer any questions you may have.